

# MEMO ENDORSED



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF REGIONAL OFFICES  
WESTCHESTER REGIONAL OFFICE

April 15, 2020

United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Attn: Hon. J. Kenneth M. Karas

Re: Thompson v. Booth et al., 16-CV-3477 (KMK)

Dear Hon. J. Karas:

In this matter, this Office represents Defendants Salerno, Garnot, Jordan, Vigna. Plaintiff in this case is represented for discovery only by the law firm of Cozen O'Connor. This action is a 42 U.S.C. § 1983 action where Plaintiff alleges that on 1/13/2014 at Fishkill Correctional Facility he was allegedly a victim of an excessive use of force while he was having a seizure.

Discovery has concluded in this matter and the Court has granted Defendants' motion to withdraw as counsel for Def. Booth. Defendants would like to move for summary judgment on this matter, but currently need additional time to prepare the pre-motion letter and ultimately to prepare the motion to dismiss. Defendants request an adjournment to July 17<sup>th</sup> to prepare the pre-motion letter. The time is needed because our office was closed and now is open for a limited purpose. I cannot access the multiple reweels which include the exhibits and transcripts relevant to the motion. Our administrative staff is home and the 1 person in the office for a few hours per week has other priorities and cannot scan the entire file to me. Discovery counsel for plaintiff consent to this request.

Respectfully,

*J. Powers*

Janice L. Powers, AAG

Defendants' summary judgment motion is due 6/15/20. While the pandemic is disrupting the normal routine of work, it is likely to continue to do so for the foreseeable future. Two months is adequate time to prepare the motion in this four-year-old case. Plaintiff's response is due 7/15/20. Defense reply is due 7/29/20. Defendants are to mail this endorsement to Plaintiff and confirm they did so by 4/22/20.

4/15/20